

TOWN OF STOW
PLANNING BOARD

Minutes of the September 10, 2014 Planning Board Meeting

Planning Board Members Present: Lori Clark, Mark Jones, Len Golder, Steve Quinn, Ernie Dodd

Voting Associate Member: Margaret Costello

Non-Voting Associate Member:

Lori Clark called the meeting to order at 6:30pm

Discussion of Meeting Minutes:

None.

Member Updates

None.

Planner's Report

Spring Hill Estates

Jesse Steadman reported that engineer Greg Roy of Ducharme and Dillis met with Chief Landry to discuss the road design and will amend the plan to provide turnouts and check for adequate lines of sight as recommended by the Fire Chief.

Site Walk for Cushing:

Sunday Penny Be in touch regarding sitewalk.

Economic Development and Industrial Committee

Jesse Steadman said that the Economic Development and Industrial Committee notice was posted and a few applications have been submitted.

Bose Corporation

The Town Administrator received an inquiry from Bose regarding the offering of volunteer services to the Town. Jesse Steadman said the inquiry was discussed at the last Permit Team meeting and several members believed an invitation for the Bose Community Affairs and Sustainability Manager to attend the next permit meeting to would be a good way to ensure an ongoing relationship with the company.

Randall Road Earth Removal

Jesse Steadman said the Selectmen will be meeting with the property owner concerning the Earth Removal Violation on Thursday evening. At the last meeting they instructed the property owner to contact the Planning Department and Conservation about any permits that may be necessary. The Conservation Coordinator responded that they have no jurisdiction in the matter. The Building Commissioner asked for Engineering Plans and calculations to determine if an erosion Control Special Permit is required said Jesse Steadman. Karen Kelleher made a recommendation to the

Selectmen, in the event that an Erosion Control Special Permit is not required that they require the site be restored with loam and seed to the standards required in the Zoning Bylaw and Subdivision Rules (6"loam and ensure no increase in rate or volume of runoff).

Crow Island

Jesse Steadman said Karen Kelleher received a request for building permit clearance for a Hangar at Crow Island. Jesse Steadman said that Karen Kelleher advised the Building Commissioner that the use is not allowed under the Bylaw. Jesse Steadman said that upon further review, there is a current Special Permit for Crow Island allowing structures to house exhibits of stationary cars and planes. Jesse Steadman said he and Karen Kelleher will work further with the Building Department to understand the legality of the use.

Lower Village

Jesse Steadman said he and Karen Kelleher met with Howard, Stein - Hudson concerning next steps. We will be meeting with property owner's individually to discuss required easements and limit of work. Jesse Steadman said he will also contact Hudson Light and Power about Pole relocation and that the Town should know about the grant by the end of October.

Town Center

John Mullin and Graduate Student Jesse Regnier met with the permit team to discuss the planning effort for the Town Center said Jesse Steadman. The Community Preservation Commission and Stow Municipal Affordable Housing Trust will be discussing a request to share the cost and the Town Administrator agreed to share in the cost with Selectmen consulting funds said Jesse Steadman.

Villages at Stow

Jesse Steadman reported that Selectmen have received calls from residents of the Villages at Stow and reached out to the Planning Department. Ed Tarnuzzer said he is okay with the Town Planner handling the issues. Jesse Steadman said that Karen Kelleher explained she has no enforcement authority and advised that the ZBA send a letter to the developer giving them a certain amount of time to address the outstanding issues or they will notify the bonding company. Jesse Steadman said the remaining issues are unfinished As-Built Plans including certification of road repair work that was done without inspections. Other issues include lack of financial reporting as required in the decision and the affordable restriction was not recorded with one of the affordable units. The Town Administrator asked Town Counsel to send the letter on behalf of the ZBA.

The Planning Board discussed sending a letter to the Zoning Board of Appeals explaining the Board's jurisdiction, and the issues at hand. The Planning Board agreed that the letter should give recommendations on how we have followed up under similar circumstances.

Hemenway Farm Subdivision

Mark White reported that he is working with DEP and undergoing testing to determine the horizontal and vertical limits of contamination from the drums they uncovered on the site.

Public Hearing

38 Adams Drive Hammerhead Lot Special Permit and Site Plan Approval

Present – John Anderson - Applicant

Ernie Dodd moved to waive the reading of the Hearing Notice

Mark Jones seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

John Anderson described the location of the Hammerhead lot and the process he is undergoing with Jack Wallace, the Health Agent, for decommissioning the on-site public water supply. John Anderson said the driveway is staying where it currently exists adding that they will be adding easements along the driveway of the hammerhead lot to ensure that the grade is maintained to preclude runoff into the neighboring properties.

John Anderson said the Town has been notified about the opportunity to purchase the property and if they decline, the tank would come off of the property.

Mark Jones asked if the lot meets the minimum upland requirement. Jesse Steadman said that it does.

Steve Quinn said it is acceptable as long as staff say it meets the requirements.

Ernie Dodd moved to close the Public Hearing

Len Golder seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Correspondence Update

None.

Member Updates:

None

The Board discussed a tentative Planning Board dinner date of October 29, 2014.

Discussion of Televised Meetings

Present – Lew Halperin

Lori Clark said this discussion has happened many times and asked each member if their opinion on televising Planning Board meetings has changed since the last discussion. Steve Quinn said the purpose of the hearing is to allow the Board to make an informed decision. Steve Quinn said he can see nothing in a TV airing that would favor the hearing process.

Len Golder said he still believes it should be all the public hearings that are televised or none of the hearings. Len Golder said it should not be only certain hearings.

Mark Jones said there is no change in his opinion.

Lew Halperin said that for one thing, he could not hear anything that is said unless he is wearing earphones. Lew Halperin said that those at home can at least hear what is going on even if they cannot participate. When a large hearing takes place some may not come because they cannot park or get a babysitter. So there are a lot of reasons why the meeting should be more public than it is said Lew Halperin. They can watch a repeat episode if they miss the hearing. Other Towns all carry the major government meetings. Stow does not. I know the Board would like to keep it informal, but it is really not that informal of a process said Lew Halperin. Public meetings have to provide for anyone who wants to come, and that includes finding a seat. If they cannot find a seat they can demand that the meeting be cancelled.

Lori Clark said if they want to know what happened they can still read the minutes. Lew Halperin said that unfortunately the minutes cannot get all the details such as pauses and tone. Lew Halperin said that hearing impairment provisions required by the state could cancel the meeting if they are not met. Len Golder asked if the Town has proper equipment to meet hearing impairment needs. Lew Halperin said they have a few sets of earphones but it is a stop gap measure. Ernie Dodd said it should be brought up with the Selectmen. Lori Clark said that this is an issue that the Town needs to address.

Ernie Dodd said when they did not have the space in Town Building they moved to Town Hall. If it happened in Town Hall then they could move to Hale School.

Lori Clark said she appreciates the persistence and passion around the topic.

Len Golder motioned that the Board televise all public hearings.

Ernie Dodd seconded.

VOTED: (3-2) to defeat the motion. (Len Golder and Mark Jones voted in favor | Steve Quinn, Ernie Dodd and Lori Clark were opposed).

Collings Foundation Erosion Control Special Permit and Site Plan Approval

Lori Clark called the meeting to order at 7:30pm

Lori Clark read the public hearing guidelines.

Lori Clark said the Planning Board is not looking to hear what has been said in the past but asked for any new information.

After public input, questions and comments can be heard from the Planning Board.

Lori Clark said that after the close of the hearing the Planning Board cannot accept any new information.

Applicant Presentation

Present: Bob Collings; Steve O'Connell; Jim Coulle; Robert Collings Jr.

Bob Collings said there were several requests for additional information which was responded to in writing and contained new information.

Bob Collings said he has provided 20 pages of detailed documents including the Collings Foundation's (TCF's) educational goals. Bob Collings said TCF does not own or operate any other business, instead operating under a 501-c3 trust.

History of Educational Programming

By 1979 TCF had begun the collection and exhibition of classic transportation artifacts said Bob Collings. In 1984 TCF constructed a hangar providing greater space for public aircraft and artifacts. Since 1979, they have conducted hundreds of docent conducted tours he said. They have provided over twenty examples of non-profit educational organizations that they have hosted, and fifteen organizations and museums that they have had programming or correspondence with. Bob Collings said he has provided various endowed scholarships, including those for students demonstrating outstanding leadership. Those students have then gone on to take part in a four day TCF "Leadership Initiative." TCF has donated rides in certain historic aircraft to 15-20 non-profit education organizations to help boost their annual fundraising. In May of 2014, they donated a flight to raise money for the educational organization of the U.S. Marines.

Tonight, said Bob Collings, TCF would like to present additional information including a 344 page binder filled with letters of support. Bob Collings said TCF has held hundreds events in partnership with different non-profit organizations. Throughout the year TCF has held 30 open house events, including the Wings and Wheels event, where the Nashoba high school robotics team has had the opportunity to showcase their work, the Race of the Century, and the Battle for the airfield, which includes a Veterans roundtable with two medal of honor recipients participating. Bob Collings said, that since 1981, the Wings of Freedom tour appeared at 109 locations and made 2800 stops throughout the US, with attendance from thousands of school age children. Bob Collings said the Secretary of the Air Force, provided TCF with an award for organizational excellence. Both the preservation of military artifacts and the restoration of aircraft and vehicles are important to TCF. TCF has restored more aircraft than the Smithsonian and has been awarded for preserving aircraft.

Planned Educational Programming at Museum

Bob Collings said they are planning new displays at the museum based on international educational museums to get a sense of what works in educational museums. They are

focused on Historical Relevance and immersing visitors in displays such as the WWI trench exhibit and the Panzer 1 tank, which is one of only five in the world, said Bob Collings.

The WWII immersion will showcase WWII's various fronts, Bob Collings said. Bob Collings explained the various historical moments that they will showcase, including stories of human interest that everlasting. Bob Collings expanded upon the various representative examples of v US wars, their honor of veterans, and how TCF plans to present the materials used in war to allow the public to understand the sacrifices and realities of war.

Tax Exemption Comments

Bob Collings explained that TCF is a tax exempt organization, qualifying under non-profit public charity division of the Attorney General, audited 3 times and subject to periodic review. TCF has been a non-profit educational organization for 35 years. Bob Collings said the Zoning Bylaw provides exemption for educational uses on parcels that are more than five acres. According to case law, said Bob Collings, many decisions refer to entities, institutions, organizations, etc and he cannot find a single case where corporation status has affected the Dover amendment outcome. The IRS, and Dept. of Revenue treat all non-profit entities the same way regardless of legal structure said Bob Collings.

Noise Study

Bob Collings said a noise study has been completed, which demonstrates compliance with the bylaw. The study was conducted from Aug. 15-27th in the Barton Road area. Conclusions, said Bob Collings, were that the average noise level measured for the 13 day period between 7am and 8pm were continuously over the 40db limit of the bylaw. The nighttime sound level was also exceeded 98% of the time and the noise level on Barton Road exceeded levels in the bylaw. During this period, said Bob Collings, TCF did several tests running tanks and aircraft. They were either beneath the sound level or drowned out by the other noise of Barton Road, included lawn mowing, barking dogs, loud trucks, and the Lake Boon boat parade.

Hours of Operation

Bob Collings said that from May 1st to Oct. 31 the foundation will be open 3 days a week with the hours of operation being 9am-4pm or 10am-5pm, with additional group tours during that period. Of the vehicles on site, only 6-10 will remain in operational order.

Review of Plans

Bob Collings said they have provided a copy of an authorized signature on the parcel's in ownership, and that the Hammerhead lot title searches are now underway. Bob Collings said that the exit road through Hudson will require Hudson approvals, Stow Conservation Commission NOI filings and abutter notification prior to approval. Bob Collings noted that the suggested peer review of the traffic study and an engineering study of the dam would be moot points with the Hudson access and asked that they be put on hold while TCF looked at other access options in Hudson. Residents erupted with discontent until Lori Clark quieted them. Bob Collings said this effort involves over a million dollar investment while living harmoniously with neighbors and educating the public on the American Heritage.

Public Input

Peter Christmas of 122 Barton Road stated that his father was a WWII veteran and brought people to the shores of Normandy and is proud of what veterans do. Regarding the noise study, Peter Christmas asked about the results for the other side of the property where the trees aren't blocking the sound and what were the noise levels when planes flew over.

Bob Collings said that airplane take offs could not be discerned within the period of the study along Barton Road. Barton Road is a very noisy place. When they were setting up the test they did calibrations and during that period of time a noisy trailer, trail bikes, mowing of lawns and other tasks exceeded the thresholds of the bylaw. Bob Collings whispered into the microphone that his whispering was three decibels.

Peter Christmas noted the well researched article of the past uses of the Collings Foundation including the airplane hangar, which was described to the town as barns in the past. Peter Christmas said everything the applicant tells the Planning Board needs to be verified due to Colling's misrepresentations of the facts in the past.

Bob Collings said that the story of the Longhorn cattle should be shown in the public record.

Janet Belsky of 129 Barton Road said the Collings Foundation use changed from its original intent and is not allowed. The Collings Foundation causes an overly intensive use by non-residential traffic, as shown by the Conley Associates study. This use creates an overburdening of the use resulting in a nuisance outside the scope of the originally intended use of Barton Road.

Janet Belsky said that a road cannot be overburdened even when granted Dover rights. Despite pro or anti-veteran rhetoric, everyone makes a contract with the town that property owners live within the parameters of the bylaw said Janet Belsky. My father fought in Europe and I contribute to veterans organizations and I am not anti-veteran just because I want the rights and freedoms afforded to me. Since the collection and funds were donated, the Collings Foundation should have the assets to create the museum in a commercial area. Unless the true motivation is financial benefit it, does not have to be in the Collings family's backyard.

Barbara Jones of 61 Sudbury Road said she would like to call on others to help with a visual presentation. Approximately fifteen members of the audience held up 24x18" posters depicting various images of tanks and text. Barbara Jones said that those in the neighborhood cannot choose whether to live with the living history events. The residents held up a variety of photos describing the noise and physical impact of the tanks and war demonstrations, including photos of various explosions and tank fire. Another photo read "who issues explosives permits?" with a picture of explosions in the re-enactment. "Noise is not confined to one field we are all sonic abutters," read another

poster. Barbara Jones said the Collings Foundation causes the noise of practice flights and airport use to be brought into the home. Barbara Jones said the smoke and explosions from the re-enactments pollute the air we breathe and affect wildlife.

Barbara Jones said the scale of current events are incredible with some tanks weighing 90,000 lbs. Residents showed pictures of tanks on a flatbed truck travelling over the dam in September of 2014, although Barbara Jones said, the Collings Foundation said that no tanks would travel over the dam. Another photo depicted the size of the vehicles bringing in the tanks, and the difficulty of getting by a school bus travelling in the opposite direction said Barbara Jones. Barbara Jones noted an image of a tank on the road with a driver with very small field of vision. Is it registered, is it insured, she asked? Barbara Jones showed an image of gridlock during events on Barton Road.

Barbara Jones said that because of the inappropriate uses already taking place, a new museum should not be allowed, and is totally inappropriate for this area. The TCF has shown disregard for the truth and integrity needs to be restored to the bylaw she said.

Rob Collings Jr., Executive Director of the Collings Foundation said explosives permits are obtained through ATF and the fire chief and are obtained every time. Rob Collings asked how many have attended Collings events? Rob Collings said the vehicles going over the dam came back in over the dam because the road was blocked in Hudson. The last photograph showed tanks on the road and permits were acquired by the Town of Hudson and Stow said Rob Collings, Jr.

Nancy Arsenault of the Stow Independent said in regards to documentation for the article in the paper that day, she spent 7 hours of research and all the documents cited, regarding a sitewalk describing the agricultural nature of the original proposed use are in the files of the Conservation Commission.

Dan Barstow of 99 Pine Point Road said one of the issues is whether the primary use is educational and if that educational use is so pronounced that it can be awarded protection through the Dover amendment and outweighs local zoning. Dan Barstow said he was previously the Executive Director of the Challenger Learning Center ED and provided the Planning Board with ten metrics regarding how to judge the educational significance of an organization or its primary use as educational.

Dan Barstow said if this were the ultimate place to honor the residents and veterans and if the true purpose of the organization were educational it would be moved in favor of a more appropriate location. Dan Barstow said that after looking at the budget, a million dollar investment in the road cannot go as far as teacher trainings and other support to the educational programs. If the educational use was the primary use, one million dollars would likely not be spent on an alternative access through Hudson but on educational programming.

Scott Gregory of 180 Barton Road echoes the feelings about the meeting's rules and asked that the crowd refrain from jeering and let the Planning Board do their job. Scott Gregory

agreed that event and construction traffic on Barton road is a deal breaker. A road through Hudson is the right thing to do. Mr. Collings Jr. stated if not here, then where, said Scott Gregory. Scott Gregory said that the vagueness of the Dover amendment opens the door to wide interpretation but also gives the planning board a wide range to make a decision. It is not a foregone conclusion, rather the Town can say no. Scott Gregory asked about the potential for an outdoor amphitheater with outdoor lighting. Let this application be a litmus test that shows how the values of Stow can be respected with any application going forward he said. This application process can also show limits of noise and use in Stow. Scott Gregory commented on veterans in his family and wondered why Collings had to question their commitment to veterans in the paper? Scott Gregory asked the Planning Board to do the right thing for the neighborhood and for the Town.

Bob Collings said they have looked into other alternatives, including Fort Devens and Hanscom Air Force base, which are not able to handle airfields. The foundation that deeded the vehicles said it has to be on their land to utilize the gift. This is our only alternative, said Bob Collings. Robert Collings Jr. said that the FAA prohibits activities that are not aviation related.

Roger Berkeley of 53 Boon Road asked the Board to look into the use of the tank museum and also the aircraft and visiting aircraft. He said he has seen vintage amphibian aircraft flying low over the area and is very concerned that the aircraft are not part of the reenactments since he has been to the events and they are using aircraft.

Robert Collings Jr. said that the airfield is not part of the land plan in question. Rob Collings identified the plan.

Jean Romer of Warren Road said that the Stow Conservation Trust had Harvest Balls at the Foundation and have not come out in a position on this use. She said that activities at the Stow Orchards are much more in keeping with the kind of historical land use that the Town wants to support, and that use seems totally in keeping with the kinds of uses in Town and what most would like to see happen. Jean Romer said she has taken many graduate level courses and living history is a very tricky subject. Jean Romer said she is interested in trauma and recovery especially in the aftermath of violence. This is living history and it is obvious that most of the people in the area are traumatized by the TCF coming to Town and showing disregard for the neighborhood. Jean Romer said it does not do a lot of veterans any good.

Ron Gerhard of 222 Barton Road said he is also a Vietnam Veteran and has reviewed the drawings and found an absent land court easement on the document which had been requested to be submitted by Karen Kelleher. Ron Gerhard submitted the court decision on the right of way and a set of drawings registered with the land court and when accused of coming to an event for free at the Collings Foundation, stated he was using his own right of way. This addresses a person's word, said Ron Gerhard. He repeated that the he said she said issues make us wonder how good Collings' word is. Ron Gerhard said this last weekend, tanks ripped down Verizon lines on Hunter Avenue. Ron Gerhard said he was told there was no lead vehicle for the trucks. Ron Gerhard urged the Board to review this

as carefully as possible. Ron Gerhard said he does not believe either of the Collings have been in the service, stating that all service men do not come back and decide to join the parade.

Bob Collings said that Robert Collings Jr. owns a parcel of land in Stow. The Planning Board has asked about the easement and it is not an easement but a right of way to pass over as necessary.

Tom French of 151 Barton Road said that in 1973 the PB considered a subdivision on the Collings in which the engineer said that the use on Barton Road already includes a health and safety hazard and there is already the potential for a casualty. Barton Road is not the place for this use especially for out of Towner's unfamiliar with road and area.

Bob Collings said that since he is not a corporation, the Dover Amendment does not apply to the Collings Foundation, adding that Section 9.9 of the Stow Zoning Bylaw does not state that a non-profit must be a corporation to be offered exemption. Does that not mean it can be any type of entity, he asked?

Tom French said that the local board should not abandon reason during hearings, and that it is up to Planning Board to interpret the meaning of the bylaw. The 1973 Zoning Bylaw Amendment was created in order to bring the bylaw up to speed with Chapter 40A Section 3 of the State statute. Tom French explained the two parts of the Dover amendment and that it still applies to the Foundation. Tom French said that because the Foundation is not a Corporation, it should be denied protection through the Dover Amendment.

Adam Wagman of North Shore Drive said that a lot of the documents may have obscured the fact that the plan is outside of the zoning bylaw intent. They do not fit the Dover amendment due to Trust and the primary use being something other than educational. No quantity of testimony can make it educational said Adam Wagman. The Collings plan will fundamentally alter the character of the neighborhood and needs to be denied he said.

John Cassaras of Haverill, MA said he is a disabled combat veteran and is 70% deaf. The Towns of Massachusetts are fortunate to have someone like Bob Collings located in the area. It is an asset to have such an array of aircraft from all over the country. These planes fly all over country and I fly in them often said John Cassaras. My aircrew dropped bombs on strategic targets throughout Germany before my plane was shot down. We lost four crew, six were wounded and the engines and wing were on fire, he said. But due to the great construction of that plane the crew and I were able to bail out before it exploded in mid air. After a long fall all four crew spent 1.5 years as prisoners of war said John Cassaras. The B17 is an icon of WWII and is instrumental in protecting this country's freedom for 70 years. The kids at the Collings Foundation understand the need for freedom when I give a talk at Collings Foundation with visual presentations he said. Kids ask the greatest questions. Education can be had the at the Collings Foundation. John Cassaras said I hope you vote in the right direction.

Mike Schultz of 220 Barton Road said he would like to share an editorial from *Lawyers Weekly* from the September 5th issue. He read from the editorial paraphrasing that the issue here is not whether the project is worthy but that the Dover amendment allows for the shoehorning of approval according to a decades old law and allows for projects with dubious educational components to be approved. Mike Schultz said the editorial board said the law is too liberal and needs to be changed. Mike Schultz said he understands the air show cannot be moved due to the complexity of it. However, he said, the tank show can be put anywhere.

Wes Fisher of 200 Barton Road said he has submitted a letter to the Stow Independent regarding language in the Stow Master Plan. Section 9.3.12 of the Stow Zoning Bylaw contains a statement that no site plan will derogate from the purposes of the bylaw. Wes Fisher said he has watched the evolution of uses at this site and the Town now has a high impact proposal and we need to politely turn down the use. Wes Fisher said this has gone beyond the proposed collection of tanks and Bob Collings and his son have even more ambitious plans for the future.

Julie McNamara of Hopkinton, Massachusetts, read a letter in support of the plans from a Massachusetts fighter pilot. The letter stated that the Collings Foundation allows individuals to connect in a whole new way by viewing the aircraft. The letter emphasized the importance of the Collings Foundation activities. The living history programs enable my daughters to understand the fundamental principles of their power as citizens said Julie Matanmarra, paraphrasing from the letter from Heather Penny.

Bob Collings said that Heather Penny was one of two F-16 pilots that were scrambled to intercept the fourth airplane in the 9.11.2011 terrorist attacks.

Linda Cornell of 222 Barton Road said that is what is really sad about all of this with all the letters of this project, is that they could only come up with just three people from Stow to write on their behalf. Only nine of the people signed on the petition are from Stow. Linda Cornell said the Planning Board has the tremendous opportunity to do the right thing and make sure that this decision is in the community's best interest.

Brenda Masceri of 57 Hunter Avenue presented a letter explaining the incident that led to wires being torn down in front of her house on September 5th by a truck carrying a tank from the Collings Foundation. Brenda Masceri said at the time of the incident she called the police. There was no police escort. Brenda Masceri reported that the first truck took the wires down and then used a broom to lift the wires and allow passage. Two school buses had to wait for 20 minutes for a police escort. We had no communication for the weekend due to the incident she said. When the trucks had to leave the Collings Foundation after dropping off the tanks, they used the broom to get back out to West Avenue, said Brenda Masceri. They were asked for and showed a state permit. Brenda Masceri said this is a perfect example of why the neighborhood is not the right location for this project.

Gladys Beaudette of 84 Hunter Avenue witnessed the event that Brenda Masceri introduced. The pictures presented by Barbara Jones also show the trucks were violating the no idling law.

Tim Hill of 94 Pine Point Road said that he was five minutes late to get his daughter off of the bus the day the school bus was delayed and was terrified when he could not find her. His fear for his daughter due to the bus delay is one small item that affects a small community.

Robert Collings Jr. said he has heard about the issue and the trucks that they used on that day for the parade were Town of Littleton trucks. He said the Collings Foundation is looking into the issue. He said it is exactly for reasons like this that they are proposing access into Hudson.

A resident of 88 Pine Point Road said that the tanks and explosions would be devastating for the environment and property values are going to go down. The resident said she believes anywhere there are visuals or noise, property values will fall. TCF sounds as if it is very wealthy and seems that it is also a very commercial operation. The operation should be in a commercial area with easy highway access not through Barton Road she said.

Pat Sorn of 174 Barton Road said she would like some guarantee from the Planning Board that the proposed Hudson access will be the only potential access for the project.

Bob Barber of North Shore Drive and now New Hampshire has worked for Collings Foundation for over 20 years. Bob Barber said the Collings facility is a museum, so he posed the question - are all museums not educational? When the army was moving out of Fort Devens, Bob Barber's airshow company was approved for an airfield and was asked to leave by the state of Massachusetts because they were non-profit. Bob Barber said he cannot lease land because the state will want to have a share in the profits. The Collings Foundation needs to have control of a property to be able to have the kind of programming that they have.

Mary Lage of 90 Hunter Avenue said that she is concerned with local property values that about the property. Mary Lage said never did I think that I would be a neighbor to a 66,000 square foot museum. When the noise study was conducted, was it done during an event, she asked? It does not seem like it was.

Bob Collings said the noise study was conducted over a 13 day period but that the Collings Foundation did not shoot off any cannons or gun fire. 9-11pm was the single biggest noise violation the night of the Lake Boon parade.

John Lage of 90 Hunter Avenue said the proposed road through Hudson may alleviate some traffic but it will not alleviate the noise and the low flying planes. John Lage said he bought a decibel meter and found that flying planes was over 90 decibels. John Lage said the Town of Hudson also still has to give approval and that may not even have been filed yet. John

Lage urged the Planning Board to stand up for the rights of residents and for enabling the Town bylaw. Everyone should be reviewed equally by the law.

Shirley Birchfield of 200 Barton Road said that even if the Hudson entrance is approved, how will it keep people from going over Barton Road to access the new entrance?

Rob Collings Jr. said that due to the big apple orchard weekends they put up signage to have people travel through Hudson rather than Stow.

Tim Hill of 94 Pine Point said a lawnmower could outweigh a loud noise from far away. Tim Hill said the Collings Foundation should not be comparing the tanks to a lawnmower but rather to what the sounds would be like to someone paddling down the Assabet river.

Karen Brown of 86 Hunter Avenue said that the noise, traffic and pollution will go from her front yard to the back yard if the Hudson access is approved, and will continue to contribute to noise, dust and congestion that they will have to live with for half of the year. Karen Brown said she has worked as a defense contractor and has designed tanks, artillery and troop carriers, which she said can have sound levels typically running between 90 and 120 db and when fired can go to 120-145 db.

Eva Barstow of 99 Pine Point Road said that she has read an article that the tanks were being donated because the tanks were on a small country road where the population that wanted to see them could not adequately access them.

Amanda Atwell of 171 Barton Road said she is an environmental permitting specialist with large airports among her clients. The Hangar rule cited earlier is only a proposed rule she said. Amanda Atwell pointed out that regarding the road coming in from Hudson, she would like to see how a road near a private landing strip would sit with MAC and the FAA.

Lissa Coolidge of 563 Gleasondale Road said that on reenactment days there is no peace and quiet and there are planes and explosions overhead.

Wes fisher said asked how many folks consider Barton Road a quiet road. That is why they have moved there.

Red Alyward of 23 Apple Blossom Lane asked if the permit is approved can the use be regulated? He said he is not bothered by the three annual events, but if it became more than that it would affect his position on Stow. Red Alyward said the true intentions from the Collings Foundation are not clear.

Adam Wagman of North Shore Drive asked if the audience could allow the Board a chance to deliberate.

Planning Board Discussion

Lori Clark said the Board has not had the chance to ask questions and comment amongst themselves. Lori Clark asked Bob Collings what he is looking to do at this time? Len Golder said this pertains to the road in Hudson. The access road in Hudson is so critical to Barton Road concerns, said Bob Collings, that they are actively pursuing the issue and that a continuance would be in order.

John Lage of 90 Hunter Avenue asked how the Hudson entrance would affect the Dover aspect of the case.

Lori Clark said that the case of Dover definitely needs to be addressed and studied by the Board. Lori Clark said that once public input has finished, questions from the Board are taken. Collings has submitted information and much information has been presented to the Board. Lori Clark said from a procedural standpoint, they have made it through public input and now it is time for questions to the applicant from the Planning Board. If the Board were to close the Public Hearing, the Hudson access would not be able to be considered because no new plans have been submitted for that access.

Ernie Dodd asked how long is the Hudson permitting process going to take and should the Board keep the Public Hearing open until that time? Ernie Dodd said that if the plan was revised new abutters would need to be notified.

Steve O'Connell said they expect to be in a Hudson public hearing in October. They are requesting a continuance so they can present the access in response to comments about Barton Road. Steve O'Connell said he cannot expect how long the hearing will be open in Hudson.

John Lage asked how often the plans can be revised and that the applicant has missed the deadline for October in Hudson and will now need to be held in November.

Lori Clark explained the public hearing process, saying that she will close the hearing when there is no new information and they will only be making one decision of which the Dover Amendment would be part of. If public input is finished, engineering, applicant and legal advice is given. During a normal public meeting they can then deliberate and issue a decision. Lori Clark said the applicant can either revise the plan or withdraw and resubmit with new plans. If new plans are submitted a new public hearing process would ensue. Lori Clark said the applicant has the right to resubmit and she does not want to keep it open indefinitely. However, the applicant has agreed to change the plan due to public comment, so it is not unreasonable to continue.

Linda Cornell asked if the Board decides if the Dover Amendment does not apply will the hearing be over. Linda Cornell asked if they can just get a decision on that issue?

Barbara Huggins said she has advised the Board not to take the issues piecemeal, and recommends that the Board continue to move in the manner the chair has indicated.

Len Golder said that this could be a more cumbersome process if dealt with piecemeal. Ernie Dodd said they are fair to all applicants, and sometimes it takes a long time. As long as things are moving forward in a productive manner the Planning Board will continue to move forward as well said Ernie Dodd.

Carol Gregory asked if Stow abutters would be notified? Lori Clark said that a separate process will begin in Hudson with its own notifications. The public will be allowed to attend those hearings as well.

A resident asked if the Planning Board can stop existing traffic from Collings Foundation from using the Barton Road Dam.

Lori Clark said they do not have the authority to make any decision over the parameters or use of the dam. Barbara Huggins said that the Planning Board requesting the Building Inspector to take action is not the right course to take. Ernie Dodd said that it is the building inspector's purview to enforce the bylaw. Lori Clark said that with current enforcement issues the Building Inspector and the Board of Selectmen would be the proper route.

Wes Fisher asked what happens to the information if the hearing is continued and a new notification goes out? Lori Clark said all of the input would be kept as part of the record and public input could resume.

Lori Clark said that new abutters will need the chance to weigh in although it would be helpful for the Board not to have the audience state the same input since it is already part of the record. Lori Clark urged the audience to not take her statements as a restriction, rather as a guideline on how to move the process along efficiently.

Steve O'Connell said that while the Hudson process goes forward, it would be good to have the continuance on the agenda to let people know that no testimony will be taken. Ernie Dodd said they can adjourn to a date certain, but that they should re-notify the abutters when the plan is ready to move forward. Some abutters will receive new notifications and others will be re-notified.

Lori Clark described how the continuation process works, including setting a date and time at the time of adjournment of a session of the hearing.

Lori Clark said that abutters within 300 feet of the parcels in question are required to be notified by law, and that a notice goes into the paper. When a new plan is submitted, there will be a new advertisement.

If Hudson approves the project would Hudson be approving the whole project, asked a resident? Lori Clark said Stow will be deciding only on the portion of the project in Stow.

Steve O'Connell said that by Wednesday November 5th he should have revised plans and that would be the proper continuance date. Lori Clark said Lenny Golder will not be in attendance on that date.

The Board agreed they could schedule another date in October to discuss drainage, issues related to the Dover Amendment and other waivers.

Ernie Dodd moved to motion the continuance until October 8th, 2014 at 7:30

Len Golder seconded.

VOTED (6-0) Unanimously in favor.

Lori Clark said that they hope to have a discussion of the new plan on November 5, 2014.

A resident asked how the Town of Stow will know if Hudson notifies the correct abutters? Barbara Huggins said she would not think the Planning Board should have to check up on the Town of Hudson to correctly adhere to notification requirements. Barbara Huggins said that she recommends that the Board not continue indefinitely and at some point the board will be well within its rights to say, if approval has not been given in Hudson, it is time to close the hearing. Lori Clark said at that time the applicant can also withdraw the application.

Don Hawkes asked whether the road through Hudson will involve wetlands in Stow. In that case it would require approval from the Stow Conservation Commission he said.

Barbara Jones asked if meanwhile with the tanks still be coming in? Lori Clark said they can contact the Building Inspector to discuss issues of enforcement. What can be done in this zoned area asked Linda Cornell? Is this something that can be built? If this is a residentially zoned area can this be built here? Doesn't the board have all of the information it needs to make a decision? Lori Clark said that the Planning Board will render a formal decision on the entire application and cannot render simply a legal decision. There will be no separate decision about Dover said Lori Clark.

Adam Wagman asked if any one item can be so egregious could the board say that this cannot even be allowed to be considered?

Barbara Huggins said even if a use is Dover protected, they can still reasonably regulate the dimensions of that use or structure to not impede the protected use, but rather be mindful of the Town's bylaws.

Lori Clark said legal counsel is advising that the Planning Board render a decision based upon the entire application. Lori Clark said that they will make comments and ask questions on October 8th.

Steve O'Connell said that they will be trying to pursue the Hudson and Stow Conservation Commission in parallel.

Wes Fisher asked whether it was unfair to run this out through time? Lori Clark repeated that issues will be discussed on October 8th.

Steve Quinn moved to adjourn

Ernie Dodd seconded.

VOTED (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).